THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on : 29.05.2007

\+ **WP (C) 3992/2007**

D.C. RAKSHIT & ORS …Petitioners

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS …Respondents

WITH

WP (C) 3688/2007

KESH BAHADUR …Petitioner

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS …Respondents

WITH

WP (C) 3694/2007

BABU LAL …Petitioners

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS …Respondents

WITH

WP (C) 3695/2007

HAYAT SINGH …Petitioner

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS …Respondents

WITH

WP (C) 3690/2007

R.C.BHATT …**Petitioner**

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS **…Respondents**

WITH

WP (C) 3691/2007

LAL SINGH …**Petitioner**

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS **…Respondents**

WITH

WP (C) 3693/2007

ASHA RANI …**Petitioner**

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS **…Respondents**

WITH

WP (C) 3692/2007

S.S. VOHRA …Petitioner

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS **…Respondents**

WITH

WP (C) 3689/2007

L.D. PANDEY **…Petitioner**

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS **…Respondents**

WITH

WP (C) 3705/2007

P.C. GAUTAM …**Petitioner**

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS **…Respondents**

WITH

WP (C) 3707/2007

BALBIR SINGH RAWAT **…Petitioner**

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS **…Respondents**

WITH

WP (C) 3721/2007

B.D. SHARMA …**Petitioner**

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS **…Respondents**

WITH

WP (C) 3687/2007

S.D. PANDEY …**Petitioner**

-versus-

HINDUSTAN INSECTICIDE LIMITED & ORS **…Respondents**

Advocates who appeared in this case:

For the Petitioners	:	Mr Rajiv Dutta, Sr Advocate with Mr Shashank Kumar
For the Respondent No.1.	:	Mr Dusyant Sindey.
For the Respondent No.2	:	Mr Rajeeve Mehra.
For the Respondent /DDA	:	Ms Sangeeta Chandra.
For the Respondent No.4.	:	Ms Deepika.

CORAM:-
HON'BLE MR. JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment ?

2. To be referred to the Reporter or not ?

3. Whether the judgment should be reported in Digest ?

BADAR DURREZ AHMED, J. (ORAL)

1. After hearing the counsel for the parties on preliminary issues, it appears that the petitioners' case in all these matters, is founded upon the notification dated 09.02.1978 issued by the Ministry of Works and Housing, Government of India whereby the State Governments / Union Territories were directed to sell the quarters built under the scheme to the allottees / occupants who have been occupying the same. Essentially, this notification applied to Industrial Workers. The notification also provided a rebate of 20% in the original costs in working out the sale price to the occupants. It is on the basis and foundation of this notification that the petitioners are challenging the impugned orders dated 10.05.2007 and 17.05.2007 passed by two different Additional District Judges in appeals preferred by the petitioners under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. In all these appeals the orders of the Estate Officer directing eviction of the petitioners from the premises /

quarters occupied by them in the course their (and/or their predecessor-in-interests') former employment have been upheld.

2. It has come to light in the course of arguments that earlier a writ petition being WP(C) 570/1986 had been filed by some of the petitioners herein and / or their predecessors-in-interest. That writ petition was filed in connection with the said notification dated 09.02.1978. The petitioners therein had claimed benefit under the said notification. However, a Division Bench of this court while disposing of the said writ petition on 23.10.1986 rejected the plea taken by the petitioners therein in the following terms :

> "CW No.572/86
>
> After going through the counter-affidavit filed by Shri B.N. Chatterjee, General Manager, Hindustan insecticides Limited, respondent herein, we are satisfied that the quarters in dispute are not covered by the communication dated 9th February, 1978 sent by the Government of India, Ministry of Works and Housing to the Secretaries Incharge of Housing Departments to all the State Governments and Union Territories Administration. These quarters are simply owned by the company for the benefit of giving them on lease/licence to their employees. Therefore, no question arises for the quarters being transferred to the employees on ownership basis. There is thus no merit in the writ petition and the same is accordingly dismissed.
>
> Yogeshwar Dayal, J
>
> Malik Sharief-ud-Din, J
>
> October 23, 1986."

3. I am also informed by the counsel for the parties that the matter was taken up to the Supreme Court in SLP (Civil) 976/1987. The Special Leave Petition was dismissed by the Supreme Court at the admission stage on 23.03.1987.

4. This makes it clear that the question of applicability of the notification dated 09.02.1978 had been determined by a Division Bench of this court and the same had not been disturbed by the Supreme Court. As such, the said determination that the quarters belonging to the petitioners are not covered by the notification dated 09.02.1978 has become final. It is, therefore, not open for this court to examine that issue again.

5. Mr Rajiv Dutta, the learned Senior Counsel appearing on behalf of the petitioners, submitted that subsequently in other petitions, in respect of other concerns, the notification dated 09.02.1978 has been applied. He further submits that there are press notes available with him which indicate that, in respect of other areas and other concerns, transfers of quarters occupied by Industrial workers under this scheme have been carried out. However, that is not for this court to consider inasmuch as I am bound by the decision of the Division bench in WP(C) 572/1986 passed on 23.10.1986.

6. The learned counsel for the petitioners submits that the petitioners would vacate the quarters occupied by them within two months. The undertaking in the usual format to this effect be filed within four weeks.

In view of the foregoing, these writ petitions are dismissed. No costs.

BADAR DURREZ AHMED
(JUDGE)

May 29, 2007
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